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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,613	09/22/2003	Stephan C. Hobson	502265	1171

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LEYDIG VOIT & MAYER, LTD.
(ROCKFORD OFFICE)
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STESTON AVENUE
CHICAGO, IL 60601-6780

EXAMINER

BOCHNA, DAVID

ART UNIT PAPER NUMBER

3679

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,613

Applicant(s)

HOBSON ET AL.

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9,11,17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9,11,17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyon.

In regard to claim 1, Lyon discloses a hydraulic port weld stud, comprising:

a weld stud mounting body 10 extending along a first axis, the mounting body including a weld boss portion (bottom of 10 in fig. 1) and a fitting mount portion 14;

a cylindrical cavity 12 concentric about the first axis in the fitting mount portion;

a port fitting 20 integral with the fitting mount portion of the weld stud body, extending along a second axis transverse to the first axis; and

a hydraulic port passage 26 extending through the port fitting in fluid communication with the cylindrical cavity 12. Lyon does not specifically disclose that the exterior of the fitting mount portion is cylindrical, however it would have been obvious to make the exterior cylindrical as a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Additionally, The use of cylindrical stock material to make elbow type connections is common and well known in the art as demonstrated by such prior art as Miller and Sabathie.

In regard to claim 2, The hydraulic port weld stud of claim 1, wherein the weld stud mounting body defines a bore 14 coaxial about the second axis, further comprising a melted

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braze ring 24 in the bore integrally securing the port fitting as a separately formed component to the mounting body.

In regard to claim 3, wherein the melted braze ring 24 provides a visual indication ring means for indicating a seal surrounding an outer periphery of the port fitting (see col. 3, lines 17-20).

In regard to claim 4, wherein the mounting body 10 is formed from a cylindrical stock material, wherein said cylindrical surface is an unfinished cylindrical surface of the cylindrical stock material.

In regard to claims 5 and 6, Lyon discloses a hydraulic port weld stud, comprising:

a mounting body 10 extending along a first axis, the mounting body including a cylindrical weld boss portion (bottom of 10) and a fitting mount portion (part of 10 where 14 is formed), the weld boss portion and the fitting mount portion being unitarily formed as a single a surface concentric about the first axis, the surface defined over an outer periphery of the fitting mount portion;

a cylindrical cavity 12 concentric about the first axis formed in the fitting mount portion, the cylindrical cavity comprising a threaded portion 12 and a non-threaded pilot portion, the non-threaded pilot portion extending partially through the weld boss portion and being of a smaller diameter than the threaded portion;

a bore 26 formed into the cylindrical fitting mount portion along an second axis transverse to the first axis;

a cylindrical threaded port fitting 20 formed separately from the mounting body, the threaded port fitting being inserted into the bore and projecting axially therefrom along the

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second axis, the threaded port fitting defining a central passageway connected to the cylindrical cavity; and

a melted braze ring 24 in the bore integrally securing the threaded port fitting to the mounting body.

Lyon does not specifically disclose that the exterior of the of the fitting mount portion is cylindrical, however it would have been obvious to make the exterior cylindrical as a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Additionally, The use of cylindrical stock material to make elbow type connections is common and well known in the art as demonstrated by such prior art as Miller and Sabathie.

In regard to claim 8, wherein the melted braze ring 24 provides a visual indication ring means for indicating a seal surrounding an outer periphery of the threaded port fitting (see col. 3, lines 17-20).

In regard to claim 9, wherein said threaded portion 12 comprises female threads defined in said cylindrical cavity.

In regard to claim 11, wherein the second axis is perpendicular to the first axis.

3. Claims 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyon in view of Klambauer.

Lyon discloses a hydraulic port weld stud as described above, but Lyon does not disclose that the port weld stud is placed on a cylinder housing a piston. Klambauer teaches that using cylinders with port weld studs attached to the cylinder is common and well known in the art. Therefore it would have been obvious to a person having ordinary skill in the art to attach the

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hydraulic port welds of Lyon to a cylinder housing a piston because the practice of attaching port weld studs to a cylinder is common and well known in the art, as demonstrated by Klambauer.

Allowable Subject Matter

4. Claim 21 is allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 1-6, 8-9, 11, 17 and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

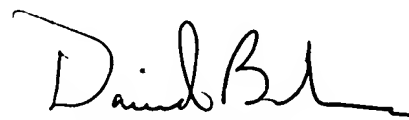
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078.

The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David E. Bochna
Primary Examiner
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